

Statement of Justification

**PROPOSED RESIDENTIAL PROJECT
REED BROTHERS' DOGE SITE
15995 FREDERICK ROAD**

Silverwood/Shady Grove L.L.C.

June 3, 2011

Statement of Justification

I. Introduction

A. Applicant and Property

Silverwood/Shady Grove L.L.C. ("Silverwood") is the contract purchaser of the 4.37 acre site located at 15955 Frederick Road, comprised of Lots Parcel "A" (N193) & L.3893 F. 289(P137) (the "Property"). In accordance with the City of Rockville Zoning Ordinance, Silverwood is seeking approval of a Level 3 Site Plan, to accommodate a 417 unit residential building on the Property. The Property is located on the west side of Frederick Road within 800 feet of the Shady Grove Metro Station escalator. The Property is bounded on the south by the Shady Grove Metro Station Access Drive, on the east by the Metro Station, on the north by a storage facility and to the west, across Frederick Road, by the King Farm mixed-use community. The Property, currently located within Montgomery County, Maryland, is zoned TOMX-2 (transit station mixed use). The Property is located within Rockville's Maximum Expansion Limits and an Annexation Petition filed on October 28, 2010 (No. Annexation ANX 2010-00139) seeking annexation under the MXTD Zone, is pending before the Rockville Mayor and Council.

B. Description of Project

The proposed 417-unit multi--family residential building will consist of five stories of wood frame construction and will include 15 percent moderately priced dwelling units and five percent affordable workforce units (the "Project"). Parking for residents and their guests will be provided in an above-grade structured parking garage incorporated within the building. The proposed height of the building is 58 feet. The building has been designed to read as a series of modestly sized attached buildings. Access to the parking facility will be provided off of Route MD 355 and a potential secondary access will be provided along the Shady Grove Metro Station Access Drive. The secondary access is contingent upon a timely agreement with Maryland Transit Association regarding the proposed access to the garage as it relates to the future location at Corridor Cities Transitway ("CCT"). A total open area of 69,644 square feet (37%) is provided, including 49,757 square feet (26%) of public use space to be located along MD 355 and the Shady Grove Metro Access Drive. The Project will include on-site amenities for the residents including two outdoor courtyards, one of which will be improved with a swimming pool; fitness center; clubroom; and business center. In an effort to avoid competing with the retail uses provided in the King Farm Village Center located less than 1,200 feet from the Property, and following consultation with representatives of King Farm, it was decided that the Project would not include ground floor retail uses. Instead,

the Applicant will work cooperatively with King Farm representatives to facilitate the Project residents' use of the Village Center.

C. Smart Growth and Sustainability

The Project, which provides 417 residential units, including 20 percent affordable units, within 800 feet of the Shady Grove Metro, is wholly consistent with State, County and City housing and environmental policies. With increased frequency, residents chose to live at locations conveniently served by public transportation, in order to facilitate commutes to work and reduce the costs associated with daily use of an automobile. The Project, with its location immediately adjacent to the Shady Grove Metro Station and within walking distance of the retail located within the King Farm, is ideally suited for this lifestyle choice. From an environmental and sustainability standpoint, locating residential units within close proximity to the Metro Station where 40 to 50 percent of the residents are likely to commute via public transportation, is a land use decision that has a much greater beneficial impact on the environment than almost any other land use choice a developer or property owner can make.¹

D. Rockville Master Plan

The 2002 Approved and Adopted City of Rockville Master Plan recognizes the Property as an Urban Growth Area (formerly the Maximum Expansion Limits). The Master Plan references a 2000 Charette that identified the need for mixed-use housing adjacent to the Shady Grove Metro and the benefits of providing a diversity of housing uses. More generally, the Master Plan highlights the Jobs/Housing inequity within the Plan area which in 2002 was 3:1 jobs/housing ratio, and encourages residential development. Most particularly, the Master Plan recommends the development of multifamily residential uses within walking distance of the Metro Stations.

II. Compliance with the Mixed Use Transit Development Zone Standards²

The Project complies with all of the development standards of the MXTD Zone and furthers many of the policy objectives of the zone, as discussed below.

Section 25.13.03 -

Table of Uses. Multiple unit dwellings are permitted in the MXTD Zone

¹ The City's Transportation guidelines allow the Applicant to assume only a 15 percent modal split. However, based on a review of existing transit-oriented projects comparable to the proposed Project, the Applicant's transportation consultant anticipates a modal split of between 40 and 50 percent.

² Headings and subheadings refer to Zoning Ordinance Sections and thus Section II of the Statement of Justification does not follow the numerical format of an outline.

Section 25.13.05 -

Development Standards.

- a. *Build-to-Lines* - Not applicable
 - b. *Development Standards Table*
 - Height Maximum of 120 feet. Provided: 58 feet
 - Open Space -- Total of 15 percent required, including 10 percent Public Use Space. Provided: 37 percent total open area of which 26 percent is public use space
 - Setback abutting right-of-way -- None. Provided: 18 feet
 - Side and rear set backs -- No setback required, but if a setback is provided, it must be at least 10 feet. Provided: 25 feet minimum
- (a) *MXTD*
- (i) *Building facades -- Heights of 45 to 65 feet at the street.*
The height of the building as measured in accordance with the Zoning Ordinance is 58 feet. The building façades include parapet walls of varying heights which increase the perceived height of different portions of the building from 59 to 69 feet. These varying heights are presented along each façade of the building.
- (d) *Layback slope*: Not Applicable.

Section 25.13.06 --

Additional Guidelines.

- b. *Aesthetic and Visual Characteristics for all Zones*
 - 1. *Façade and Exterior Walls -- Avoid massive scale and uniform and impersonal appearance; building walls greater than 100 feet should include projections, recessions and other treatments.*
The entire façade has an cohesive overall appearance and style that coincides with the character and scale of the King Farm community. The façade is broken down into different masses ranging in width from 12 to 48 feet. Each separate

mass or section has a distinct character as a result of the use of varying shades of materials and architectural elements.

- (a) *Occupy at least 60 percent of street frontage with windows, arcades and awnings.*

Windows and awnings are presented along the street frontage of the building and represent significantly more than 60 percent of the street frontage.

- (b) *Provide architectural features that contribute to the visual interest at the pedestrian scale.*

The base of the building is articulated on the first floor through a change in materials. This provides a visual relief at the pedestrian scale. The base is further broken down by the use of a water table at the base of the windows. Windows along the ground floor have varying sizes and frames to add architectural interest to the base.

2. *Vary roof lines -*

There is a 10 foot variation in the roof line throughout the building.

3. *Materials and Colors -- Utilize building materials and colors compatible with those in adjoining neighborhoods.*

The materials and colors of the building are consistent with those used throughout King Farm.

4. *Items allowed not facing a public street - window wall air conditioners, electric utility meters, air conditioning compressors and irrigation and pool pumps*

The Project does not include any of the aforementioned items facing a public street.

5. *Entryways -- Provide highly visible entryways.*

The primary pedestrian entrance is located along the Shady Grove Metro Access Drive, close to the corner of MD 355. A secondary pedestrian entrance is located further to the east along the same frontage of the building.

6. *Screen mechanical equipment.*

The only mechanical equipment to be located on the roof are condensers which are approximately three feet in height and thus will be fully concealed by the parapet wall.

c. *Site Design and Relationship to Surrounding Community*

1. *Vehicular access -- Provide vehicular access from arterial, major or business district roads.*

In accordance with this requirement, vehicular access will be provided from MD 355

2. *Buffer nearby residential uses -- Not applicable*

3. *Outdoor sales and storage -- Not applicable*

4. *Trash recycling restrictions.*

Trash recycling accommodations, as part of the overall trash removal process, will be provided within the interior of the building in the parking structure

5. *Parking lots and structures*

(i) *Parking Area Standards -- Provide safe, convenient and efficient access*

Access to the Project's parking is conveniently located off of MD 355. All of the parking will be located internal to the Project, centrally located to the residential units.

(ii) *Parking Structure Appearance*

The parking structure is integrated into the overall building. To the extent possible, the architectural components incorporated into the residential facades of the building are continued onto the parking façades. Although Building Code requirements dictate that 20 percent of the parking façade structure remains open, architectural elements have been incorporated into these open areas to create the appearance of fenestration and provide a consistent façade for the entire length of the building.

6. *Pedestrian and Bicycle flows -- Accessibility, safety and convenience*

The MD 355 frontage of the Property will have a 10 foot wide sidewalk and the existing six-foot wide sidewalk along the Shady Grove Metro Station Access Drive will remain. The lead sidewalks along the Shady Grove Metro Station Access Drive frontage of the Property, which connect the pedestrian entranceways to the public sidewalks, will vary in width from five feet to ten feet. Bicycle racks will be provided along the public sidewalk, as well as internal to the parking garage, for both temporary and long-term bicycle parking

7. *Central Features and Community Spaces* -- Internal community spaces for the benefit of the residents will include a pool located in one of the two courtyards, fitness center, clubroom, and business center. The public use space outside the building will include landscaping and benches
8. *Delivery and Loading Spaces; Hours of Operation* -- The parking garage is designed to accommodate loading and trash pick-up within the interior of the building

25.13.07a -- *Special Design Regulations for MXTD Zone*

1. *Building Location* -- *Buildings should be located at the front property line and if access to parking is provided along front, it should be provided through a portal.*
Access to the Project's parking will be provided off of MD 355 through a portal on the west façade. The portal will consist of two doors measuring 16 feet wide by 14 feet high.
2. *Uses by Floor* -- *Ground floor retail uses are preferred, but not required, and ceiling height on ground floor should be 15 feet.*
Based in part on discussions with King Farm representatives, the Applicant has decided not to provide any ground floor retail uses in order to avoid competing with the existing retail at the King Farm. Ground floor ceiling heights will be 14 feet, clear height (15 feet floor to floor), which can accommodate future retail uses, if so desired.
3. *Façade* -- *Provide expression line above first floor.*
An expression line is provided as a result of the material change that will occur between the first and second floors. The different

materials on the ground floor will provide a visual base for the building.

4. *Fenestration -- Above-ground floor, fenestration should be individually framed windows.*

Individually framed windows will exist above the ground floor.

5. *Sidewalks -- Comply with Section 15.17.05 which recommends 7 foot tree lawn, 6 foot path and 2 foot safety area.*

Along the MD 355 frontage of the Property, a 10-foot wide sidewalk and an 8.5-foot wide tree lawn will be provided. The building will be set back a minimum of 12 feet from the edge of the sidewalk. The existing six-foot wide sidewalk along the Shady Grove Metro Access Drive will remain.

6. *Parking -- Structured parking preferred and parking facades must be treated in manner similar to building façade.*

The above grade parking structure is part of the overall Project and is located between the east and west residential components of the Project. The southern façade of that portion of the building which is devoted to parking must retain openings of at least 20 percent, for building and fire code compliance. The design of the parking façade ensures that it will be integrated with the remaining portions of the building's southern façade by continuing architectural elements and details used in the residential portion of the building façade onto the garage façade.

III. Landscaping and Screening

Landscaping and site screening are an integral part of the site design. Native trees will be planted in accordance of the Forest and Tree Preservation Ordinance, as well as Forest Conservation Requirements. Tree planting along the perimeter of the Property serves as both an enhancement and a visual screen to adjacent properties. Trees will also be planted within site bio-retention facilities to maximize site tree canopy coverage. Street trees to be planted along MD 355 will be in keeping with the City's Complete Streets policy and street tree design guidelines. Large existing trees along the Shady Grove Metro Station Access Drive will be maintained.

IV. Adequate Public Facilities

The Applicant's preliminary analysis indicates that there are adequate public facilities with respect to transportation, fire and rescue, and water and sewer capacity (addressed below in Item VIII) to accommodate the proposed Project. More specifically with respect to transportation, the Applicant's Comprehensive Transportation Review

submitted as part of the subject Site Plan Application concludes that the Project will not significantly impact any of the study area intersections and that all of the study intersections will continue to operate at applicable congestion standards.

V. Parking

A strict reading of Zoning Ordinance Section 25.16.03(d) requires the provision of 417 parking spaces. However, this calculation omits any parking spaces associated with the 42 studio units, since technically these are "no bedroom" units. When included, the total requirement is 459 units. In accordance with Subsection F., the Applicant proposes a total of 540 spaces. As required, the parking is provided in an above-grade structure and will be access-controlled. The Applicant fully expects that as a result of the transit location of the Project, approximately 40 percent of the residents will use public transportation for commuting purposes. At the same time, however, it is anticipated based on market surveys that at least one person in each unit will own a vehicle for use during weekends and off-peak hours.

VI. Signage

Signage on the Project will consist of building identification signs to be located along the main and secondary entrances to the building. The total signage area will be well within the permitted sign area limits set forth in Article 18 of the Zoning Ordinance.

VII. Public Use Space

The Project exceeds the 15 percent open area, including 10 percent public use space requirements of the MXTD Zone, with a total of 37 percent open area, of which 26 percent is devoted to public use space. The public use space is located along the MD 355 and Shady Grove Metro Station Access Drive frontages of the building. The remaining open area consists of the two building courtyards available for the benefit of the Project's residents. One of the courtyards will be improved in part with a swimming pool and deck area, while the other courtyard will be more passive in nature.

VIII. Water and Sewer

The water and sewer for the Project is provided by the Washington Suburban Sanitary Commission ("WSSC"). WSSC has approved Applicant's Hydraulic Planning Analysis as indicated in the WSSC letter to the Applicant dated April 12, 2011.

IX. Findings

The Project satisfies the required Site Plan findings set forth in Section 25.07.01 of the Zoning Ordinance in that the Project will not:

A. *Adversely affect the health or safety of persons residing or working in the neighborhood of the proposed development*

The Property is ideally located for the proposed residential use and will in no way adversely affect the health or safety of persons residing or working in the neighborhood. The Property is surrounded by uses of greater intensity than the proposed Project and there are no single family neighborhoods in the immediate vicinity of the Project. The Project involves the conversion of a used automobile lot into an attractive residential structure at the entrance to the Shady Grove Metro Station. The proposed residential building represents a significant improvement over the current use and provides a safer and more desirable pedestrian environment. Further, the location of the Project in close proximity to the Metro Station ensures that a significant portion of the Project's population will rely upon Metro for purposes of commuting to work. The development of needed residential uses in locations which promote the use of public transportation is a benefit to the health and safety of the persons living and working not only in the area of the Property, but in the entire region, as well.

B. *Be detrimental to the public welfare or injurious to property or improvements in the neighborhood*

The proposed residential Project will in no way be detrimental to the public welfare or injurious to property or improvements in the neighborhood. Instead, the Project will provide numerous benefits to the neighborhood by converting the surface automobile lot into an attractive residential project. The benefits of the proposed improvements to the Property include:

- Transforming the existing Property which is primarily impervious with few trees into a generously landscaped site containing 35 percent pervious surface, which represents an increase in pervious area of approximately 50,000 square feet.
- Providing a customer base to the conveniently located Village Center retail shops in the King Farm.
- Promoting walkability by providing an interesting attractive structure along a primary pedestrian route.
- Increasing Metro ridership by virtue of the Project's close proximity to Metro.
- Providing needed MPDUs and affordable units in a Project proximate to Metro.

- C. *Overburden existing and programmed public facilities as set forth in Article 20 of this Chapter and as provided in the adopted Adequate Public Facilities Standards*

As indicated by the Traffic Report submitted as part of the subject Site Plan application, there is sufficient road capacity to accommodate the Project and the Project will not have a significant impact on any of the study intersections. Further, as WSSC indicated in its letter dated April 12, 2011, there is sufficient water and sewer capacity to accommodate the Project. According to documentation from the Montgomery County Fire and Rescue Service, the Property is located in an area that is served by three to seven fire stations within a ten-minute response time. The Property will be served by the City of Rockville Police as well as the Montgomery County Rockville 1st District Police.

- D. *Adversely affect the natural resources or environment of the City or surrounding areas*

The Project will not adversely affect the natural resources or environment of the City or the surrounding areas. The location of 417 residential units within 800 feet of the Shady Grove Metro Station does more to protect the natural resources and preserve the environment than does almost any other development decision available to the Applicant. Studies of other similarly situated transit oriented residential projects indicate that approximately 40 to 50 percent of the residential population will use Metro to commute to work. This results in a significant reduction in energy consumption which provides a benefit for everyone. With respect to stormwater management, the Project is converting an existing impervious lot with no stormwater measures into a fully compliant Project that will increase the pervious areas by approximately 50,000 square feet, including a green roof, and will provide environmentally sensitive design stormwater measures including enhanced bio-filters and permeable pavers as well as the green roof mentioned above.

- E. *Be in conflict with the Plan*

The Property is located within one of the City's Urban Growth Areas. An overarching recommendation of the Rockville Master Plan is the development of residential uses in close proximity to Metro. The Project not only provides such use conveniently located to the Metro Station, it ensures that a significant number of the residential units -- 20 percent -- will be affordable housing units.

- F. *Constitute a violation of any provision of this Chapter or other applicable law*

The proposed Project complies with the provisions and laws of Rockville governing the development of the Property. As detailed earlier in this Statement, the Project complies with all of the MXTD development standards. The Project will comply with the City's Green Building Standards by achieving the equivalent of 25 points under the current LEED rating system. In regard to the City's affordable housing requirements, the Project exceeds these by providing not only 15 percent MPDUs, but also 5 percent below market, "workforce" units. With respect to stormwater management, the Project will provide stormwater management through environmental design measures. Finally, in regard to the City's afforestation requirements, the Project satisfies the threshold requirement by providing 10 percent minimum tree cover. In accordance with Rockville City Code, Section 10.5-24, the Applicant proposes the payment of a fee-in-lieu to the City's Forest Conservation Fund and Park Maintenance Fund. In accordance with the requirements of Section 10.5-24, the Applicant has submitted a written justification for the fee-in-lieu proposal.

G. *Be incompatible with the surrounding uses or properties*

The Project will not be incompatible with the surround uses or properties. There are no single family residential areas within the surrounding area and all of the adjacent uses to the Property are more intensive in nature than is the proposed multi-family residential use. The Property's convenient location to the Metro is precisely the location for such residential uses and from a land use perspective it endorses the City's land use patterns established by the King Farm and extends the multi-family component to the east side of MD 355, adjacent to the Metro Station. The additional residents that the Project will bring to the general neighborhood will enhance the customer base for the retail shops located in the King Farm Village Center.

X. Conclusion

The proposed Site Plan provides an opportunity to convert an underutilized, impervious, used automobile car dealership into a gateway site, featuring an attractive residential building, conveniently located to the Shady Grove Metro Station. For all of the reasons provided herein, we encourage the City's support and approval of the proposed Project.